



CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 12/08/2009

SUBJECT: CONDITIONAL USE PERMIT/SPRUCE CREEK PARTNERS, LLC, OWNER/
APPLICANT - RV & BOAT STORAGE IN THE LIGHT INDUSTRIAL "LI"
ZONING DISTRICT
4465 SPRUCE CREEK ROAD
CASE NO. 09-30000001

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:

To approve the Conditional Use Permit request to allow the continuation of an existing RV and boat storage in the "LI" zoning district until December 8, 2012, as recommended by the Planning Commission.


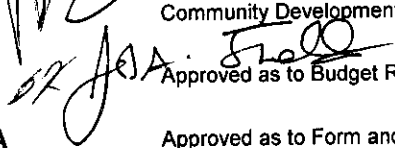

SUMMARY:

PLANNING COMMISSION ACTION: November 19, 2009

The Planning Commission recommended approval, 5-1 (Commissioner Parker excused and Commissioner McMaster dissenting), of a Conditional Use Permit to allow the continuation of an existing RV and boat storage at 4465 Spruce Creek Road until December 8, 2012. Please see the attached staff report for more information.

The applicant has also requested that the application fee be refunded. The City's application fee for a Conditional Use Permit is \$450 plus the actual cost of legal advertising. The cost for staff's review and processing of this application was calculated at \$719.00. A waiver of fees is at the sole discretion of the Council, therefore, there is no recommendation from the Planning Commission and Staff for the fee waiver.

ATTACHMENTS: Ordinance Resolution Budget Resolution
 Other Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD		Wayne Clark Community Development Director	Date	11/23/09
FINANCE DEPARTMENT		Approved as to Budget Requirements	Date	
CITY ATTORNEY	N/A	Approved as to Form and Legality	Date	
CITY MANAGER		Approved Agenda Item For:		12/8/09

COUNCIL ACTION: Approved as Recommended Disapproved
 Tabled Indefinitely Continued to Date Certain Approved with Modification



STAFF REPORT

CASE NO. 09-30000001

Conditional Use for a RV and Boat Storage Facility in the "LI"
Zoning District

4465 Spruce Creek Road

Larry Fornari, Spruce Creek Partners, LLC, Owner/Applicant

November 10, 2009

INTRODUCTION

Larry Fornari, Spruce Creek Partners, LLC, owner and applicant, requests approval of a three-year extension of a Conditional Use Permit, which permits a temporary RV and boat storage facility in the Light Industrial (LI) zoning district. If the Conditional Use request is approved, the applicant will be permitted to continue the use of the storage facility at the rear of their property. The property is located at 4465 Spruce Creek Road, within the Eastport Business Center Redevelopment District (Exhibit 'A').

BACKGROUND:

In 1993, the City Council granted a Conditional Use to allow the past owners, Robert and Helen Bilotta, to operate a recreational vehicle and boat storage facility on the back portion of their property. Over the years the Bilottas requested, and the City Council has approved, several modifications and extensions to their original approval. The requests were granted so the Bilottas could continue to market their property for redevelopment without prematurely displacing over a hundred RV and boat owners who lease space within the storage facility.

When Spruce Creek Partners, LLC, acquired the property in 2006, they were made aware of the status of the RV and boat storage as a conditional use during their due diligence and immediately began the process of applying to continue this use. On September 24, 2007, Spruce Creek Partners, LLC, were issued a Development Order to continue the Conditional Use for a two-year period. This storage area is and located on the rear portion of the subject property and is 210' x 380' in size.

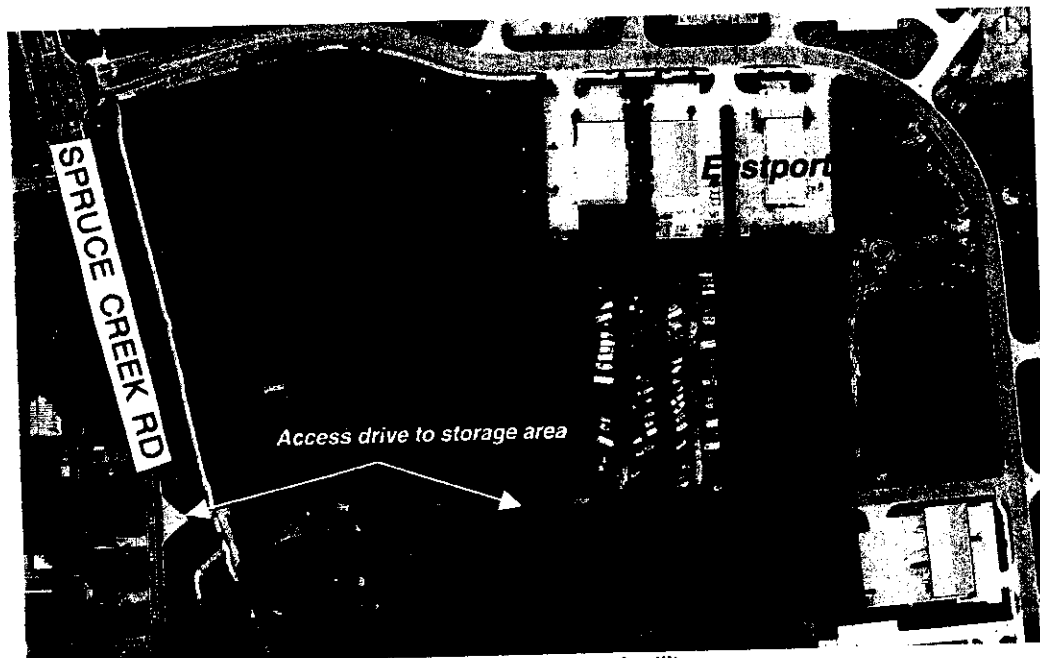


Figure 1. – Aerial view of the RV and boat storage facility.

DISCUSSION:

As mentioned in the applicant's letter (Exhibit "B"), the request is to allow for the recreational vehicle and boat storage facility use to continue for a period of three-years. The applicant does not intend to expand the facility, just to maintain the current clients. The owners want to continue the use until a prospect for redevelopment of the entire property emerges. Staff supports allowing the use of the back half of the property as a RV and boat storage since it maintains a use on the property and is meeting a need of the community. The existing RV and boat storage facility has operated for nearly 16 years without any known complaints from adjacent property owners.

RECOMMENDATION:

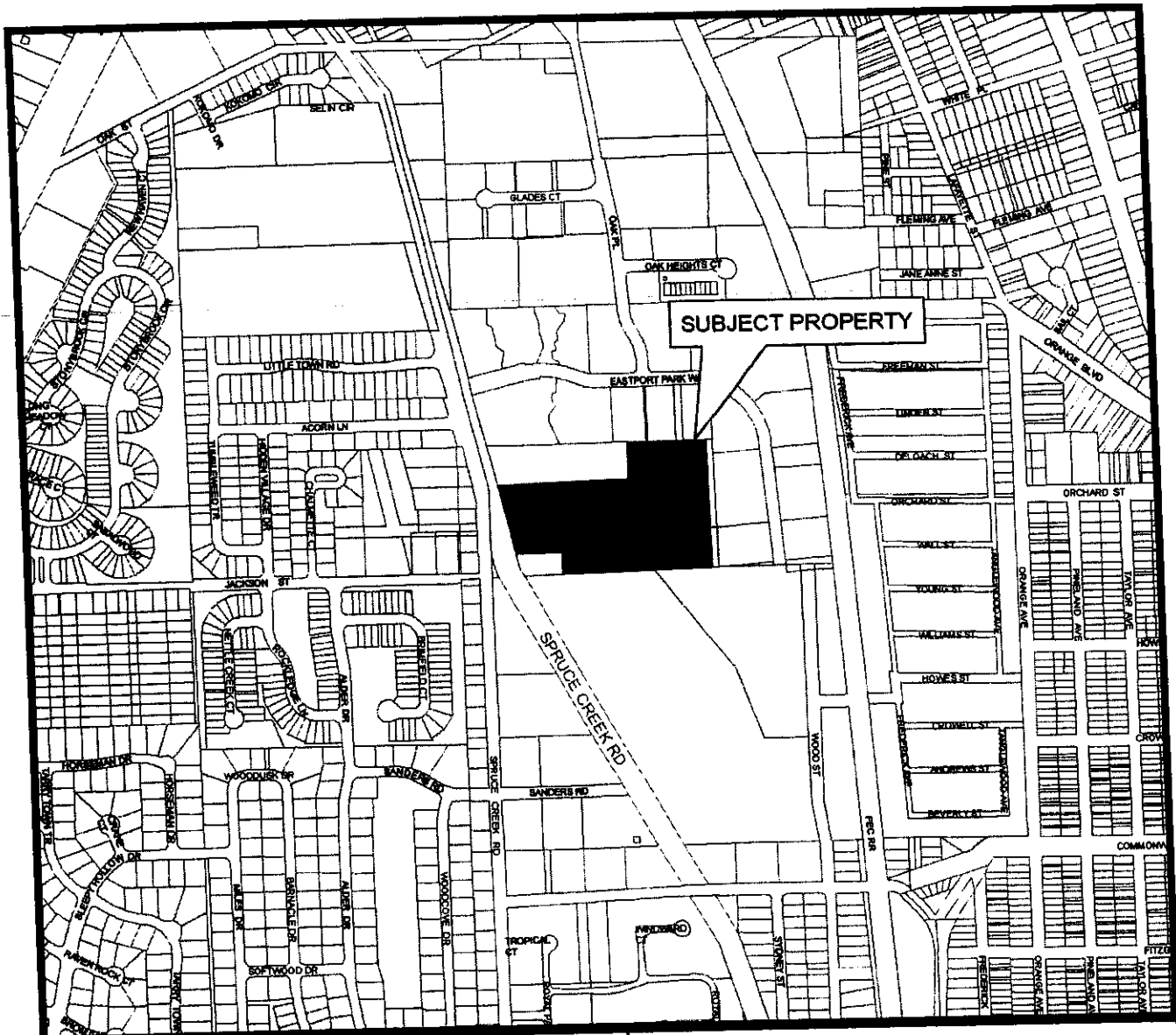
Staff recommends **approval** of a Conditional Use to allow the continuation of the existing RV and boat storage facility at 4465 Spruce Creek Road. It should be noted that the past approvals of the Conditional Use were for just a two-year period; however, as noted in the applicant's letter of request, the applicant is seeking a three-year extension.

Prepared by: Tim Burman, Principal Planner
City of Port Orange Department of Community Development

(386) 506-5675
(386) 506-5600

PLANNING COMMISSION DATE:
CITY COUNCIL DATE:

November 19, 2009
December 8, 2009



Case No.: 09-3000001

Applicant: Spruce Creek Partners, LLC

Location: 4465 Spruce Creek Rd.

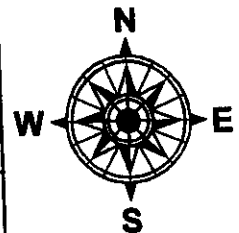
Requested Action:

Approval of a three year extension of a conditional use for the RV and boat storage facility.



Exhibit "A" - Location Map
CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT



Spruce Creek Partners, LLC
2411 S. Atlantic Avenue
Daytona Beach Shores, FL 32118

October 23, 2009

City of Port Orange
Department of Community Development
1000 City Center Circle
Port Orange, FL 32129

RE: Conditional Use Renewal

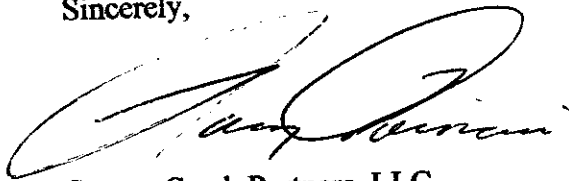
Dear Sir or Madam:

Over the past few years, Spruce Creek Partners, LLC has worked in conjunction with the City of Port Orange in marketing our property for development. Unfortunately, with the current economic conditions, sales of commercial property have been extremely slow. We are still diligently working toward finding a buyer.

The conditional use allowing us to utilize a portion of our property for boat, RV and container storage needs to be renewed so that we can at least continue to generate some modest cash flow during this marketing period. It is important to note that Spruce Creek Partners has followed through on all the pre permitting commitments it made when we last visited this issue. A jurisdictional and environmental survey has been completed and approved.

We respectfully request that you authorize the extension of this conditional use for a period of three more years and consider waving the \$450 application fee.

Sincerely,



Spruce Creek Partners, LLC
Larry Fornari

Enclosures